



Mediation News

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President's Letter

Natalie Fuler, SADRA President



Welcome to the first edition of *Mediation News* for 2001. I have recently been elected President of the South Australian Dispute Resolution Association (SADRA), and am only now starting to fully appreciate the hard work of previous committee members!

I would like to take this opportunity to thank last year's committee and particularly the past President, David Baker, who will be known at least by name to many of you. He's the person who keeps on sending you emails regarding the Australian Dispute Resolution Website! If you are not yet familiar with this website, I would encourage you to 'take 5' and have a look – the address is www.ausdispute.unisa.edu.au.

David's IT skills were well utilised last year with the major administrative focus of SADRA being to get our membership records under control!

In addition, we held five forums on a range of topics focusing on dispute resolution approaches relating to Mediation in the Magistrates Court, Native Title in South Australia, UN Year of Culture of Peace, Workplace Bullying and the South African Truth and Reconciliation Commission.

2001 is shaping up to be another full and exciting year. We are holding three Professional Education Forums as well as assisting in the Asia Pacific Mediation Forum being held in Adelaide later this year from 29 November to 1 December.

Not only is this a great opportunity to come to Adelaide – undoubtedly the most beautiful city in Australia! (if you don't believe me come and see!) – as well as meet with colleagues from neighbouring Asian Pacific countries to explore intra and cross-cultural conflict management processes.

Having worked for the last few years on strategic planning projects in Indonesia and the Philippines, I see the conference as being of particular value in better understanding how other cultural groups view conflict and their approaches to resolving conflict. As Australia becomes an increasingly multicultural society, it is important that as conflict resolution practitioners we have an understanding of how the cultural background of individuals and groups influences their approach to conflict resolution.

Dale Bagshaw, who will be well known to many of you in her role as the Director of Conflict Management Research Group at the University of South Australia, is co-ordinating the Asia Pacific Mediation Forum. Dale is also the Vice President of the World Mediation Forum. You will find further information about the Forum in this edition.

One of the articles in this edition reports on the findings of the IT and Mediation Survey conducted last year by Dale Bagshaw and David Baker. Those of you who attended the national conference may recall completing the survey, which aimed to identify the key national issues and needs affecting mediation in Australia as well as topics of primary interest to people for the next national conference in 2002.

Policy issues were of primary interest to survey respondents, of which Standards and Accreditation was ranked highest. SADRA is responding to this by holding a forum on 'Developing and Implementing Practice Standards'. The work recently undertaken by the National Alternative Dispute Resolution Advisory Council (NADRAC) on practice standards will provide the basis for this forum.

The survey results also highlighted a strong desire for mediators / ADR practitioners to share information about what they *do* rather than what mediation/ADR *is*. The remaining two forums SADRA is running for 2001 build on this desire for practitioners to have opportunities to network and exchange practical skills.

Our first forum, 'Mediating Value Based Conflicts', will explore ways of resolving conflicts in situations where the parties' value systems are the dominant factor in the dispute. I often face these situations in my own practice in facilitating and mediating disputes in planning and environmental matters. Our third forum 'Deconstructing Mediation: a practical approach!', will look at alternative approaches to ADR including narrative mediation.

Building on our collaborative efforts last year, we again intend to jointly conduct some of our forums with LEADR, and continue links with the Institute of Arbitrators and Mediators.

I wish you all the best for 2001 and hope to see you in Adelaide in late November.



A Joint Project of...

Australian Dispute Resolution Association Inc. (ADRA)
South Australian Dispute Resolution Association (SADRA)
Victoria Association for Dispute Resolution (VADR)





Asia Pacific Mediation Forum

Reconciliation:

A Conversation Beyond Cultural Boundaries

**Adelaide, South Australia
29 November - 1 December 2001**

The World Mediation Forum (WMzaF) is a not-for-profit global organisation committed to the ideals of continuing education, learning and promotion in the field of conflict management and dispute resolution. Delegations are currently being formed in different regions and countries around the world. Regional and national forums are convened bi-annually in the years between the global WMF Congresses. The next global WMF Congress will be in Buenos Aries in 2002.

An Asia Pacific Mediation Forum or Conference is being convened in Adelaide from 29 November - 1 December 2001. It is hoped that there may be enough regional interest to then form an Asia Pacific Delegation for the World Mediation Forum.

The theme of this first regional mediation forum was chosen to encourage exploration of the assumptions, knowledge and skills underpinning various intra-cultural conflict management processes, their application to cross-cultural conflicts and to mediation in different cultural contexts.

Expressions of interest to present workshops, short papers on panel presentations and facilitated dialogue sessions or conversations at the regional forum this year are being sought by 25 May 2001.



If you are interested in receiving more information please contact:

Re forming a WMF Asia Pacific Delegation and/or joining the WMF:

Dale Bagshaw,
Director of the Conflict Management Research Group and Vice President of the WMF

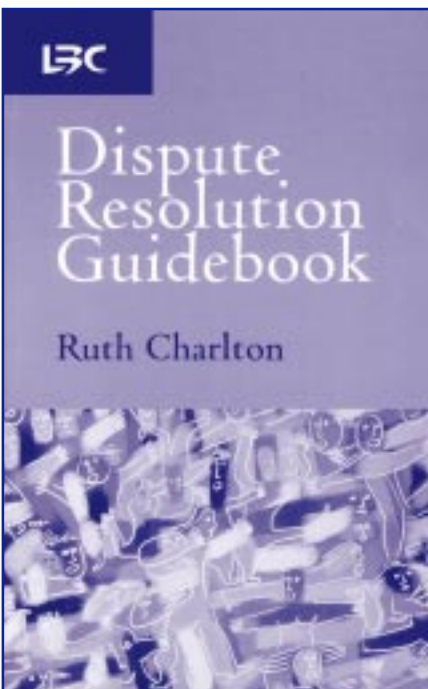
c/o University of South Australia,
St Bernard's Road, Magill 5072
or by fax - 61 8 8302 4377
or email - dale.bagshaw@unisa.edu.au.

Re Expressions of Interest for Presentations at the Forum in November:

Julie Hart, *Resolve Advisors*
PO Box 15, Paddington NSW 2021
or by fax - 61 2 9380 5687
or email - julie@resolveadvisors.com.au
Updates on the Asia Pacific Mediation Forum will be posted on the Ausdispute Website: <http://www.ausdispute.unisa.edu.au>



Book Review



“Dispute Resolution Guidebook”

by Ruth Charlton
LBC Information Services
(www.lbc.com.au)
\$59.00 plus GST

Reviewed by Stephen Lancken

Have you ever wondered why mediators ask a certain question or what strategies they use to move you or your clients towards resolution? This book is full of information that will help you understand more about how mediators work and the processes they apply.

Mediation and other consensual dispute resolution processes involve the application of both skill and experience to enhance communication between the parties. Because the processes rely on special skills it is difficult to put into writing those qualities that are of most value to parties who seek to resolve their disputes using ADR.

Imagine writing a book that describes the skills needed to ride a skateboard. Doing the same about the skills of mediators and parties involved in these processes is equally daunting! This book achieves a great deal in describing skills, qualities and characteristics of good dispute resolution. It gives a great “feel” of what is going on or is likely to occur in a wide variety of situations.

Ruth Charlton brings a special quality to writing about the skills of mediators and the characteristics of effective consensual dispute resolution. That quality is the ability to describe (in a variety of different ways) the guiding principles that make up those skills. Ruth is one of Australia's most experienced mediators and one of the clearest communicators on the elements that make up the practice and skills of ADR processes. In the skills section, the book discusses some very advanced skills for ADR practitioners such as effective questioning,

Continued on page 3

option generation and more.

This is Ruth's second book on ADR. The first book written with Micheline Dewdney (*The Mediators Handbook* LBC Information Service 1995) is a standard text for Australian mediators. This second publication takes the science and application of ADR to a more advanced stage. Processes other than mediation such as facilitation, consensus building and complaint handling are fully described together with case study illustrations on the topics.

In particular the book recognises and describes the special characteristics of different types of disputes, such as commercial, family, workplace, personal injury, probate and others. It identifies the discrete issues that are likely to arise in these particular disputes, describes strategies and

ideas for dealing with them and provides examples which enhance knowledge and understanding.

The book is full of examples, case studies and anecdotes to assist the reader. Discussion on 'real life' situations make the text easy to absorb and bring to life the experiences of mediators. Ruth Charlton is a credible authority on the experience of a mediator, having conducted over a thousand mediations involving a very wide range of issues.

The book is not only valuable for ADR practitioners. Parties and their lawyers will find value in the discussions of the dynamics of different types of disputes as well as gaining insight into the advanced techniques used by neutrals. If parties understand what a mediator seeks to achieve with various interventions, they will

be less apprehensive or confused and more likely to conduct themselves in a way that will meet their needs in a settlement.

There are sections of the text which can be read in isolation as a way of preparation or to assist in compilation of a 'check list' by mediators, parties and their representatives who are about to embark on an ADR process. This quality makes the text a valuable resource for both litigators and ADR professionals. Access to this book is like having a highly experienced ADR practitioner available to help you prepare.

Stephen Lancken.

Stephen Lancken is lawyer, mediator and arbitrator. He is an accredited specialist with the NSW Law Society in personal injury law and in mediation.

"Dispute Resolution Guidebook"

by Ruth Charlton
LBC Information Services
(www.lbc.com.au)
\$59.00 plus GST

Reviewed by Babette Smith

Ruth Charlton's "Dispute Resolution Guidebook" is designed for today's experienced ADR practitioners, but it also speaks to a community that needs to know more about ADR. It is particularly relevant for corporate leaders looking for options other than litigation. And it will be a valuable tool for executives in human resources and customer service, particularly managers responsible for complaints handling.

The Guidebook's publication demonstrates the increasing sophistication and complexity of dispute resolution in Australia. A core of experienced mediators now exists, who are ready for a text which discusses the kind of problems and issues which they have encountered in practice.

The specialist practitioner will find Chapter 2 of particular interest. It confronts the reality that the principles of mediation so frequently espoused in a purist form have in fact "mutated", as the author puts it, over twenty years of active practice in Australia. Elsewhere, she draws on her experience to discuss the more sophisticated aspects of a mediator's skills: "How to use process to best advantage. Facilitating direct communication. The role of options in negotiations."

The book's great strength is its realism. A practitioner of Ruth Charlton's

experience understands that process is most effective when adapted to circumstances. Part 3 of the book is a valuable description of how the dynamics and strategies for dispute resolution vary according to whether the issue is bank debt, workplace conflict, commercial, neighbourhood or family conflict. Case studies vividly illustrate the author's points.

Confusion over terminology almost certainly inhibits decisions to try ADR processes rather than litigation. The corporate or lay reader will benefit particularly from Chapter 1 of the Dispute Resolution Guidebook, which clarifies the difference between forms of alternative dispute resolution, such as mediation, conciliation, early neutral evaluation, compared to arbitration, or expert determination. The succinct explanations contained in the Guidebook will allow corporate leaders, for instance, to inform themselves about ADR options before raising the subject with their legal advisers.

Quality complaint handling has become a contemporary management tool of major importance and frequently a legal obligation as well. It is covered in the Guidebook with the kind of detail needed by managers in both the public and private sector. Topics range from the complaint handling process, its accessibility to clients, record-keeping, complaint evaluation for planning, possible remedies, right down to staff training. There is also a chapter on conciliation, how it incorporates mediation strategies, and its application for complaints received by a statutory body.

The Dispute Resolution Handbook is not a dry textbook. It is always readable and informed throughout by what Professor Hilary Astor describes in her introduction

as "a wry and tolerant humour". And she rightly adds: "It is the work of a truly reflective practitioner, which gathers together information and wisdom gleaned from twenty years of experience."

BABETTE SMITH

(Babette Smith is a mediator in private practice. She is a member of the mediation panel of the Supreme Court of NSW & of the Legal Aid Commission of NSW)





Anne Prior recently retired from Relationships Australia (SA) (RASA), where she had held the positions of Manager of Family Mediation, Director of Services and Deputy Chief Executive Officer. Her professional leadership will be missed by many in both the mediation and social work communities.

Anne was the first formal manager of RASA's Family Mediation Service, taking up the position in April 1990. She was always committed to developing and maintaining the highest standards of mediation practice in the agency, and in the profession generally. She worked tirelessly during her ten year period at RASA to establish links with other relevant professional groups, including the Family Court (SA), family lawyers, the law schools of the universities, the social work and social administration faculties of both Flinders University and the University of South Australia and the Conflict Resolution Programme at the University of South Australia. She established connections with the Public Service Association, the Police Association and the Australian Nurses' Federation (SA Branch) which enabled members of these organisations to access the family mediation service at no direct cost to the members.

Anne was manager through many

periods of change, including those precipitated by the publication of the Keys Young Report. Under Anne Prior's guidance, RASA's Family Mediation Service had always addressed the power and safety aspects of the mediation process. Keys Young gave the service the opportunity to examine its practices closely, restructure those aspects which needed restructuring, and take pride in the fact that much which Anne had incorporated into the service was now regarded as standard procedure.

The Family Law Reform Act (1995) reflected the importance of addressing children's needs within the context of separation and divorce. Again Anne was always conscious of the impact of separation and divorce on children and, with other senior practitioners at RASA, established a process for more directly assessing those needs and relaying them to the parents.

Under Anne's management, RASA's Family Mediation Service participated in a number of pilot programmes to raise the profile of RASA's mediation service with various groups of potential clients; for example, the Child Support Agency Project (CSA), in which the CSA discussed mediation with its clients and advised appropriately selected clients to try to arrive at child support arrangements through mediation.

It was during Anne's tenure that RASA set up a family mediation service in the Riverland in 1995. Anne visited the service monthly for several months until it was soundly established.

Anne's commitment to the highest standards of practice extended to her belief in the necessity of disseminating knowledge and experience as widely as possible. To this end she not only wrote many articles herself for publication, both on her own and in collaboration with colleagues, but actively encouraged the service's students and trainees to research, write and publish as well.

She was an active member of the South Australian Dispute Resolution Association, (SADRA), for many years. She contributed papers to international, national and state-based conference organised by SADRA. She was always ready to publicly criticise practices and to evaluate and improve service delivery with a constant focus on the best interests of the clients.

Anne made positive contributions to all of the tertiary institutions in South Australia, presenting lectures, seminars, workshops at Adelaide University Law School, Flinders University Law School, the School of Social Administration and Social Work at Flinders, and to students of the Bachelor of Social Work and the Graduate Certificate in Mediation (Family) programmes in the School of Social Work and Social Policy at the University of South Australia.

Anne is admired and respected by everyone within the mediation field and the Relationships Australia mediation services around Australia. Her wisdom, creativity and energy will be sadly missed. Although she has left RASA, I have no doubt that she will continue to make a valuable contribution to the welfare of our community. I wish her well in her retirement.

*Dale Bagshaw
Director of Conflict Management Research
Group
University of South Australia*





History

The Alternative Dispute Resolution Association of Queensland (ADRAQ) was formed in 1996 to meet the needs of a growing number of mediators across a variety of organisations in Queensland.

The original impetus for the Association was from the mediator panel of the Dispute Resolution Centre of the Dept of Justice and Attorney-General, which was in itself a diverse cross section of mediators drawn from all sectors of the Queensland community. The Association quickly established links with other organisations and with many practitioners and others interested in dispute resolution in Queensland, with the membership including mediators, lawyers, conciliators, policy developers, researchers, educators and administrators. This reflected the commitment to a forum for discussion of dispute resolution in its various forms.

General Meetings have been a lively and interesting forum for members over the past four years. Speakers have included His Honour Justice Moynihan from the Supreme Court, Barry Cotterell - Previous Chairperson of the Queensland Building Tribunal, and Marg O'Donnell - Previous Director General of Dept of Equity and Fair Trading.

Topics have included panel discussions on the Native Title Issue surrounding Century Zinc, The Great Debate of Lawyers vs Non Legal Mediators, Advanced Facilitation Training and Mediator Neutrality and Addressing Power Imbalances.

Membership

ADRAQ membership reflects its commitment to the practice of dispute resolution which encourages people to reach their own solutions in a non-adversarial manner. Some of the organisations to which members belong are Dispute Resolution Centre, Queensland Building Tribunal, Law Society, Retail Shop Leases Tribunal, Relationships Australia, Lifeline Family Mediation, Residential Tenancies Authority, the Bar, Health Rights Commission, Ant-Discrimination

Commission, and Conflict Resolution Network.

The Association's aims focus on information sharing, promotion of ADR and professional development.

The Management Committee

Members of the current ADRAQ Management Committee are:

Morgan Brigg, Chairperson, who is a PhD research student at the University of Queensland. His research topic explores the politics of intercultural dispute processing, and will assist to promote ethical intercultural mediation. Morgan is also an experienced sessional mediator with the Dispute Resolution Centre of the Dept of Justice and Attorney-General.

Peter Johnstone, Deputy Chairperson, has been a mediator for approximately 10 years and is currently Legal and Policy Officer for the Alternative Dispute Resolution Branch of the Dept of Justice and Attorney-General. He was previously the ADR Branch's training manager and in this role designed and presented numerous training programs for both private and public sector organisations.

Christine MacKenzie, Secretary, works at the Queensland Building Tribunal as Deputy Registrar (Information). She manages the Tribunal's mediation program and provides procedural advice to parties and their legal representatives. The Tribunal's dispute resolution process deals with domestic and minor commercial building disputes, as well as review and disciplinary applications involving the Building Services Authority.

Shana Tucker, Treasurer, is a founding member of ADRAQ and has been a mediator with Dispute Resolution Centre of the Dept of Justice and Attorney-General for 10 years. She conducts mediations and facilitations across a wide range of issues, and provides training in a variety of ADR programs. Shana is also a Dispute Resolution Officer with the Residential Tenancies Authority where she conciliates tenancy disputes between tenants, agents & lessors, as well as doing

some community education work.

Sandra Ferguson, Committee Member, is an accountant and mediator. She trained as a community mediator in 1987 in Victoria and has been involved in the evaluation of federally-funded family mediation. She was Co-ordinator of the Northern Suburbs Dispute Settlement Centre and Treasurer of VADR before moving to Brisbane in 1998. Sandra is a sessional mediator with the Dispute Resolution Centre of the Dept of Justice and Attorney-General and is currently undertaking study in Gestalt Therapy.

Isla Gillespie, Committee Member, is a psychologist and was involved with VADR before moving to Queensland. Isla currently works with the Residential Tenancies Authority and is also in private practice. She has experience in mediating in industrial relation issues, equal opportunity and sexual harassment.

Greg Rooney, Committee Member, conducts a private mediation and Dispute Systems Design practice. He mediates a wide variety of issues from personal injuries to building disputes. Greg is a member of the LEADR Advanced Panel of Mediators and the Supreme and District Court's Mediation Panels of Queensland and NSW. He has practised as a Solicitor for 17 years, and is involved in tertiary education and mediation training.

The Future

The Committee has entered into a period of consolidation and review and we are communicating with other ADR associations to provide up to date and relevant information for our members.

In the near future we hope to combine with LEADR and the Institute of Arbitrators and Mediators to deliver a workshop on voice and we look forward to facilitating other events in Brisbane.

We are committed to finding ways of keeping our members outside the Brisbane area informed and involved, and at the moment we are encouraging use of email to achieve this.

We wish to be more actively involved with our colleagues in other States in order to co-operatively respond to the challenges that lie ahead for ADR.





IT and Mediation Survey: Issues for the next National conference.

Dale Bagshaw (Director of the Conflict Management Research Group) and David Baker (Manager of the Australian Dispute Resolution Website) conducted an I.T. & Mediation survey in 2000. The survey was distributed at the 5th National Mediation Conference 2000, and the 7th LEADR International Alternative Dispute Resolution Conference 2000, inserted in Mediation News and available on-line via the Australian Dispute Resolution Website (ausdispute) www.ausdispute.unisa.edu.au.

The Conflict Management Research Group of the University of South Australia sponsored the survey with the generous assistance of ITIM Australia and Centacare (SA). Mr Peter Marshall, the CEO of ITIM provided essential support, which enabled much needed publicity and hands-on demonstrations at the National Mediation Conference.

The survey addressed four areas of interest:

- Key, national issues/needs affecting mediation in Australia;
- Topics for the next national conferences in 2002;
- National collaboration and the role for a website such as ausdispute;
- Perceptions of I.T. and access to and use of the Internet.

This essentially brief article summarises the responses to the second question in the survey about issues that should be addressed at the next conferences. The whole survey will be reported soon in a national dispute resolution journal.

Respondents were asked to nominate three issues in order of priority. Two hundred and sixty six issues were nominated. These were coded as follows under four categories, Practice/Interventions, Theory/Knowledge, Policy, and Issues, as follows:

- **Practice/Interventions:** Mediation (Workplace/Industrial/Organization mediation; Mandatory mediation; Family/Divorce/Adolescent/Child-Inclusive mediation; Transformational mediation; Co-mediation; Community mediation; Court mediation; Flexibility; Peer mediation; Commercial mediation; Dispute System Design; Restorative Justice; and Electronic mediation); ADR/PDR; Preference for focus on practice issues; Employment; Negotiation; Facilitation; and Government.
- **Theory/Knowledge:** Education/Training; Continuing Education/Professional Development; Theory
- **Policy:** Promotion/Marketing; Standards; Accreditation; Collaboration/Communication; Government policies; Research; National/Peak bodies; Evaluation; Mediation conferences;

Networking; Funding; and Employment.

- **Issues:** *Indigenous/Cultural*; Theory/practice; Education/Schooling; Justice; Domestic Violence; Ethics.

The issues are ranked in each of the categories above in order of the number of times they were suggested.

Of the usable responses, there were 102 priority 1's, 94 priority 2's and 70 priority 3 suggestions.

Summary of responses

1. Policy issues were the most frequently nominated.

As Chart 1 indicates the great majority of responses (66.9%) want policy issues to be addressed at the next conference.

If these policy issues were grouped in commonly used associations, the ranking would change to Standards & Accreditation (15.79), Promotion & Marketing (12.78), Collaboration/Communication/National-Peak Bodies (12.03), Research & Evaluation (9.02) and Government Policies (6.01).

2. Practice/Interventions nominations were the second ranked category of nominations.

Within this category, there was a wide spread of nominations. There were requests for a practice-focussed conference suggesting a desire for a focus on what mediators/ADR practitioners do, rather than on what mediation/ADR is. There was also a relatively strong wish for addressing broader ADR/PDR approaches as well as mediation.

'Mediation' received the largest number of practice responses (a total of 37). These were, in order of nominations, Workplace/Industrial/Organization mediation; Mandatory mediation; Family/Divorce/Adolescent/Child-Inclusive mediation; Transformational mediation; Co-mediation; Community mediation ; Court mediation;

3. The importance of education was recognised.

If Education/Training and Continuing Education/Professional Development were grouped as 'education', they would feature high in the list of issues ranked in

Chart 2. This indicates recognition of the importance of education/continuing education particularly in conjunction with other issues such as Standards and Accreditation.

4. Indigenous/Cultural issues received 4% of the total responses. There were only eight other individual issues that received more responses as Chart 2 indicates. Suggestions to address indigenous issues totalled more than for any client group e.g. family, child, and adolescent or for location of practice e.g. workplace, industrial, organization.

How do these nominations compare with the 2000 conference program and what might they suggest for the next conference?

Using similar coding, Practice/Interventions comprised approximately 62% of the National Mediation Conference 2000 program. The other three categories were represented evenly with about 13% each. This contrasts with the survey results in Chart 1.

Survey respondents may wish to see that policy advances are being made and want opportunities to participate in policy development. There were approximately seven sessions about policy issues at the 2000 Conference. The number of 'separate' policy issues nominated in the survey is similar. So, perhaps we are not looking at a policy-dominated conference but one that provides the opportunity to effectively address policy issues. Taking time away from discussion of practice issues at the conference may be avoided if there is adequate and participative pre-conference discussion, with dissemination of regular information about progress and then scheduling opportunity for reporting and discussion.

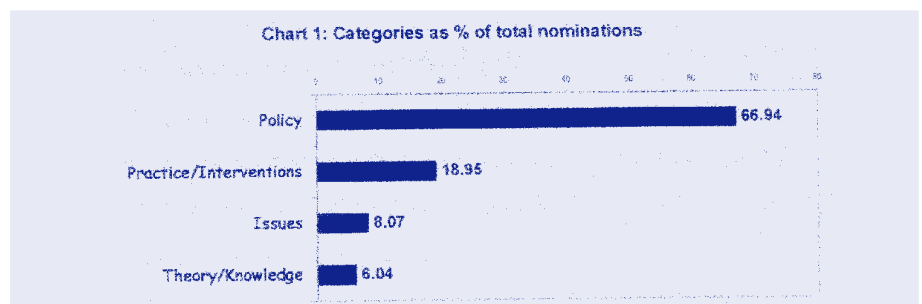
Summary

The results suggest or reassert a role for the Conference to be both a key policy and practice event in ADR in Australia.

In terms of content there appears a strong preference for addressing:

1. What practitioners do as well as what practice is,
2. Broader professionalisation issues, eg standards, accreditation education etc, and
3. A strong wish to address indigenous issues.

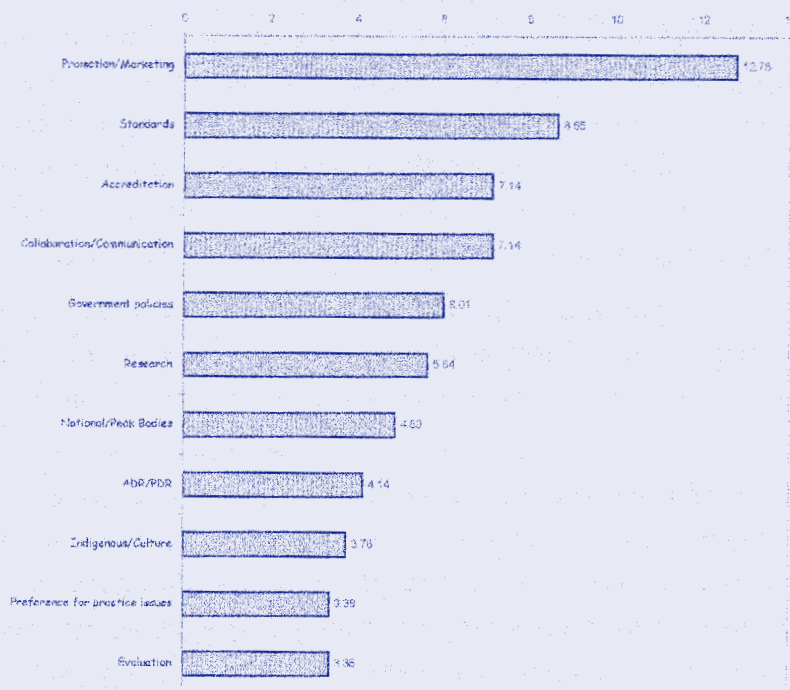
In terms of style, there could be consideration for a more participative process leading up to and at the conference.



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Further, as Chart 2 below indicates, policy issues represented seven of the top 11 ranked nominations.

Chart 2: Top 11 Nominations ranked individually as % of total nominations



If these policy issues were grouped in commonly used associations, the ranking would change to Standards & Accreditation (15.79), Promotion & Marketing (12.78), Collaboration/Communication/National-Peak Bodies (12.03), Research & Evaluation (9.02) and Government Policies (6.01).



Have you visited the website yet?

It is only a mouse click away at www.ausdispute.unisa.edu.au

It is really cool. Or maybe, more like, airconditioned.

It's very young, sort of needing to be supported, coaxed along, you know, appreciated, made welcome.

You can see

- a Directory of DR associations, organisations and individual practitioners in Australia;
- dispute resolution employment opportunities;
- education and training opportunities;
- important diary dates including national and international conference information;
- relevant articles, newsletters, conference papers;
- discussion pages for academics, students and practitioners to discuss current issues;
- new developments in the field at a national and international level;
- network opportunities for special interest groups;
- important links between DR associations and organisations within Australia and overseas;
- links to other relevant web sites.

Have a look at the Directory where you can see the dispute resolution webpages of colleagues from around Australia. They are very impressive. And soooooo inexpensive. Your own web page that you can edit anytime you want. What a steal!!!

And check out the pages for SADRA and ADRQ and maybe ADRA, VADRA and Let's Talk if they are up by the time you read this. They are in the Useful Links page.

If you want some assistance or advice or want to make suggestions (or nice compliments??) Contact the Web Administrator, David Baker at david.baker@unisa.edu.au or 0418 891807.

Brought to you by the happy people from the Conflict Management Research Group of the University of South Australia.



The South Australian Dispute Resolution Association (SADRA)

invites you and other interested persons to attend our

PROFESSIONAL EDUCATION FORUMS

to be on Monday evenings throughout the year.

- | | |
|----------------------|---|
| Monday 14 May: | Mediating Value Based Conflicts |
| Monday 23 July: | Developing and implementing practice standards |
| Monday 24 September: | Deconstructing mediation: a practical approach! |

We would encourage you to put the dates in your diary now.

Details of times and venues will be posted on the SADRA website <http://www.ausdispute.unisa.edu.au/>



The National Alternative Dispute Resolution Advisory Council (NADRAC)

has once again been travelling around the country presenting forums in all states.

Last year NADRAC visited all capital cities as part of its consultative process to seek input on the development of standards for those people and organisations which provide alternative forms of dispute resolution processes to the community. That exercise was highly successful, with NADRAC presenting to over 250 people and receiving more than 40 written submissions. The final report on ADR Standards is due out within the next few months.

Currently NADRAC is involved in the development of guidelines for the Federal Magistrates' Service so that it may ascertain which of the matters before it are appropriate for referral to ADR services. Already NADRAC has done a literature review and has received much information from agencies around Australia on what they believe are relevant guidelines which should inform the Federal Magistrates' Service on criteria for referral. However, if anyone has any comments or suggestions that they would like to make on the suitability of matters for referral from the Federal Magistrates' Service, NADRAC would be very pleased to receive them. The project is still very much in its early stages. The e-mail address is nadrac@ag.gov.au, phone is (02) 6250 6460; fax (02) 6250 5911.

NADRAC's activities are outlined in greater detail on their website:-

www.nadrac.gov.au



ADR: Negotiation & Mediation Skills Certificate Workshops

Presented by: The University of Melbourne Faculty of Law and The Trillium Group

The ADR and Advanced Workshop are participant-focused, skills building, intensive workshops. At the conclusion of each workshop, participants will receive a certificate

NOW AVAILABLE

“Mediation in Education Franchises”

Stongly established mediation consultancy is now being offered for the following states:

N.S.W. /QLD / S.A. / W.A. / TAS

Good array of established services

Detailed information is available by going to:

www.conflictsolvers.com.au

Further enquiries to:
Fred Stern
0412 102 801

(Fred is an experienced mediator with over ten years experience in the field of mediation. He is well known in Victoria for a number of programs which are educationally based. This is your opportunity to join a strong growth area)

Please note: Franchises are sold on the basis that applicants have some mediation and training experience.



From the beginning of this year, three of the largest and most influential alternative dispute resolution organisations in the United States...the Academy of Family Mediators (AFM), the Society of Professionals In Dispute Resolution (SPIDR) and the Conflict Resolution Education Network (CREnet) will have begun the process of merging into one organisation...The Association for Conflict Resolution.

This merger has been two years in the planning, and support for it from the members of the three organisations has been overwhelming. 92% of members of AFM, 96% of members of SPIDR and 99% of CREnet members voted in favour of the merger.

“The goal of the merger is to create a new organisation that enhances benefits for constituent membership groups and fosters field-building activities such as public policy implementation and education of the public. The mission of the new organisation is promoting peaceful, effective conflict resolution.”

The William and Flora Hewlett Foundation awarded the three organisations \$2.45 million dollars over a three year period to assist with the merger. Roughly \$1 million of this grant will be used for marketing the new organisation and promoting the awareness and use of conflict resolution to current members, future members and the general public.



Advanced ADR Workshop

At the Advanced ADR Workshop, you will learn how to:

- analyze mediation models to suit different situations
- deal with power imbalances in mediation
- get parties to the table
- participate effectively in multi-party mediations.
- and more...

Melbourne

August 21-24, 2001

Sydney

August 28-31, 2001

Brisbane

April 23-26, 2002

For further information contact:
Wendy Beech at (03) 8344 0348
Toll-Free: 1800-636-869
www.adrworkshops.com



Young People and Sexual Violence

A group of young women in South Australia, under the guidance of Shopfront Youth Health and Information Service, which is located in the northern suburb of Salisbury, have developed a CD-Rom on sexual violence for young people.

It talks about what sexual violence is and its impact on individuals.

It looks at what people's rights are, where they can go for legal assistance, medical assistance and what happens when/if the incident finishes up in court.

While the legal aspects of the programme, and the actual services mentioned are South Australia specific, the concept of a programme which addresses issues of sexual violence for young people should be of interest across the country.

A training package is currently under development.

For information:

Sharon Wright (08) 8281 1775

fax (08) 8285 7159



Marketing ADR in Australia ...interested??

Three significantly placed commentators will discuss this on an email-based discussion list this month. If you want to join in or monitor the discussion,

email: david.baker@unisa.edu.au or

visit: www.ausdispute.unisa.edu.au.

(Other issues will be discussed during 2001)

Asia Pacific Mediation Forum in Australia...interested?

Visit www.ausdispute.unisa.edu.au for more information

Free email Update about ADR...interested?

If you want to see the latest edition, visit www.ausdispute.unisa.edu.au or to be put on the mailing list email david.baker@unisa.edu.au saying 'subscribe'.

Read Mediation News on the web?...interested?

You can read past editions on www.ausdispute.unisa.edu.au and the current one if you are a member of SADRA, ADRA, VADR and ADRAQ. Further information from david.baker@unisa.edu.au or the Associations on the website.



Australian Family Mediation Association

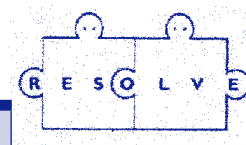
Rock House 247 Flinders Lane Melbourne Vic 3000

The Australian Family Mediation Association was launched in Melbourne in February 1999. Our goal is to support, promote and develop the use of family mediation in Australia. Anyone interested in joining or finding out information about AFMA, please contact Dawn Rees –

By Telephone: (H) (03) 9523-6565

By Fax: (03) 9523-6464

By Email: dawnr@vla.vic.gov.au



Administrative Assistant, (Part time) Resolve Advisors Pty Ltd, East Sydney

Resolve Advisors is a dynamic consultancy providing mediation, facilitation, dispute management and training services to a range of medium to large organisations.

From August we will require administrative assistance on a part time basis to support our team of four.

We are seeking a highly organised, efficient and skilled person who can multi-task and manage stressful situations, staff and clients.

Experience in dispute resolution and / or conflict management is desirable but not essential.

The position involves flexible hours depending on workloads and projects and can accommodate school holidays.

For more information please contact Shirli Kirschner on (02) 9380 6466 or shirli@resolveadvisors.com.au



NEW SOUTH WALES

LEADR, National Dispute Centre
Level 4, 233 Macquarie Street,
Sydney, NSW, 2000
Tel: 1800 651 650

(02) 9233 2255 Fax: (02) 9232 3024
leadr.com.au

Lawyers and Mediation Workshops, 4 day course,
teaches mediation skills and philosophy.
Refreshers to assist with Accreditation.
Advanced Mediation Workshop
leadr@fl.asn.au

Mediate Today

Contact: Lorraine Djurican
Tel: (02) 9223 2255 Fax: (02) 9223 6058

Relationships Australia
5 Sera Street, Lane Cove, NSW, 2066
Tel: (02) 9418 8800 Fax: (02) 9418 8726
Contact: Louise Roseman
Tel: (02) 9327 1222

Mediation Training

Relationships Australia (NSW)
42 Hour Mediation Course (Sydney)

- held on Thursdays 5.30-9.00pm and Saturday 9.30am-5.00pm for 4 weeks
- includes catering and comprehensive handbook
- 16 Week Mediation Course (VETAB Accredited) (Sydney)
- held on Wednesday 12.00-6.00pm for 16 weeks
- includes light refreshments and comprehensive handbook
- Six day Mediation Course (Sydney)
- held on Thursday and Friday for 3 weeks
- includes catering and comprehensive handbook
- Six Day Mediation Course (Wollongong)
- held on Mondays and Tuesdays for 3 weeks
- includes catering and comprehensive handbook

Continuing Mediator Education Program (Sydney)
Building on Understanding of Family Dynamics/Child Inclusive Mediation Practice
Assessment for Mediation/Graceful Termination of Mediation
For further information including course Fees contact: David McGuinness
Tel: (02) 9327 1222

The Accord Group

Level 2, 370 Pitt Street, Sydney, 2000
Tel: (02) 9264 9506
Fax: (02) 9264 8268

Commercial Mediation Training, 4 day Course. Also runs in-house courses in conflict resolution and negotiation skills.

Australian Commercial Disputes Centre
Level 6, 50 Park Street, Sydney, 2000
Contact: Linda De Rosa
Tel: (02) 9267 1000
Fax: (02) 9267 3125
Commercial Mediation Course

3 day course, plus optional evaluation day.
Workshop Grievance Mediation Course
3 day course, plus optional evaluation day.
Local Government Planning and Development Mediation Course
3 day course, plus optional evaluation day.
Complaint Management Course
1 day course

Conflict Resolution Network
PO Box 671, Dee Why, NSW, 2099
Contact: Christine James/Jo Buckley
Tel: (02) 9972 3955
Fax: (02) 9972 9620
cmme@bigpond.com
Mediation Skills Training
4 day course
In-house training tailored to your needs.

REFS, see under Victoria

VICTORIA

Barwon Parent and Youth Mediation Service
Geelong, Victoria

Contact: Steven Smith
Tel: (03) 5223 2966
Fax: (03) 5229 0102
info@byas.asn.au

Professional Mediation Training
3 day course- Mediation available for parent/adolescent at no cost. Peer Mediation available to schools.

Council of Adult Education
Centre for Professional and Enrichment Programs
256 Flinders Street, Melbourne, Vic, 3000
Contact: Margaret Jones/ Richard Taylor
Tel: (03) 9652 0629 or (03) 9652 0738

Mediation an Introduction, 12 hour course for people in management and human resources fields.

Dealing with Conflict, 5 weeknight course to improve skills and confidence in conflict management.

Dealing with Anger and Communicating Across Cultures in the Workplace

Family Mediation Centre
Level 4, 1001 Nepean Highway,
PO Box 2131, Moorabbin, Vic, 3189
Contact: Marie Garric
Tel: (03) 9555 9300
Fax: (03) 9555 1765
family@mediation.com.au
http://www.mediation.com.au
Family Mediation Training Courses.
Mediation Training Levels 1 and 2.

International Conflict Resolution Centre, University of Melbourne, Carlton
Contact: Ms Helen J Fawkner
Tel: (03) 8344 7035
Fax: (03) 9347 6618

Mediation in Education, a 30 hour Course for primary, secondary teachers and counsellors, January 22-25, 2001
Mediation Short Course, a 40 hour, 13 week Course. Practical and theoretical training for professionals. March 13, 2001

Managing Conflict in Planning Dispute Resolution and Facilitation Skills for *Planners*. To be announced.
Intensive Mediation Skills & Processes
A 24 hour course to be held on Jan 31, February 1 & 2, 2001.
Mediation by Distance Education
A 40 hour course conducted by the ICRC and Deakin University. Combined With a 2 day workshop in practical skills.
Advanced Mediation Skills Enables participants to refresh skills, further knowledge about 'difficult' situations, & current thinking.
www.icrc.psych.unimelb.edu/icrc

La Trobe University
School of Law and Legal Studies,
Bundoora, Vic, 3083
Contact: Tom Fisher
Tel: (03) 9479 2423
Fax: (03) 9479 1607
Email: T.Fisher@latrobe.edu.au
Family Law for Mediators
Subject part of Graduate Diploma in Family Law

Relationships Australia
46 Princess Street, Kew
Contact: Ena Shaw
Tel: (03) 9432 3033
pres@rav.org.au

Introductory Mediation Course, two and a half day course includes the effects of separation on children.
Intermediate Mediation Course, 3 day course includes cultural issues and intake procedures.
www.relationships.com.au

REFS Mediation and Conflict Resolution Training

Part A. An introduction to the process and principles of mediation, using the REFS co-mediation model. Develops an understanding of the use of mediation as an early intervention strategy in conflict.

Part B. Assists mediators to develop negotiation skills, handle common problems, overcome barriers in mediation, and introduce participants to other models and Conflict Resolution.

Part A and B combined comprise a Nationally Accredited Short Course in *Mediation and Conflict Resolution*. Training will be offered in the New England Region (NSW), Queensland, SA, Tasmania, and Vic. Dates available on website.

Training is also offered on a consultancy basis. REFS delivers peer mediation and association programs in schools. Other training available on request.

Contact: Michael White, Training Co-ord.
Tel: (03) 9877 7261
Fax: (03) 9877 5084
Email: reftrain@refs.asn.au
www.refs.asn.au

For further information on Courses and Training check the website

WWW.ausdispute.unisa.edu.au



COURSES & TRAINING

QUEENSLAND

Alternative Dispute Resolution
Branch, Dept. of Justice
GPO Box 149, Brisbane, QLD, 4001
Tel: (07) 3239 6277 Fax: (07) 3239 6284
Mediation Skills Course, 5 day introductory course for people wishing to gain a basic understanding of mediation process and essential skills.

Relationships Australia
159 St. Paul's Terrace, Spring Hill, QLD, 4000
Diploma of Mediation (Co-Mediation)
Contact: John Cleary
Tel: (07) 3831 2005 Fax: (07) 3839 4194
sh@relateqld.asn.au

SOUTH AUSTRALIA

Dale Bagshaw
Director, Conflict Management Research Group
School of Social Work & Social Policy
University of South Australia
St Bernard's Road, Magill, South Australia 5072
Tel: 61 8 8302 4375/8
Mob: 0413 536 136
Fax: 61 8 8302 4377
email: dale.bagshaw@unisa.edu.au
Personal website address:
<http://www.unisanet.unisa.edu.au/staff/Homepage.asp?Name=Dale.Bagshaw>
Conflict Management Research Group website address:
<http://www.humanities.unisa.edu.au/cmrg/>
The Australian Dispute Resolution Directory website address:
<http://www.ausdispute.unisa.edu.au>
Program Director: Master of Social Work; Master of Conflict Management; Graduate Diploma in Conflict Management; Graduate Certificate in Mediation. Program information and course outlines available on the following website: <http://www.unisa.edu.au/discipline/eas.htm>
Visit our special Culture of Peace News Media Network (CPNN) website.
CPNN is a global website established in partnership with the International Conflict Resolution Centre at The University of Melbourne and UNESCO for the year of Culture and Peace: <http://www.peacekeys.com.au>

TASMANIA

Positive Solutions formerly trading as Community Mediation Service Tasmania
11 Liverpool Street, Hobart, Tas 7000
Contact: Lyn Newitt or Megan Kube
Tel: (03) 6231 1301 Fax: (03) 6231 1969
Email: manager@positivesolutions.com.au
www.positivesolutions.com.au
A Registered Training Organisation, offering nationally accredited courses in:
Mediation Skills & Conflict Management (12726 QLD) 5 day course plus 2 day skills audit.
Dealing With Conflict (NCS 005)
Negotiation Skills (NCS 009)
Other courses available are:
Family & Child Mediation, a 6 day course.
Tailored courses to meet your needs.
• Negotiation Skills (NCS 009)
Other courses are provided:
• A 6 day Family & Child Mediation course
• Tailored courses to meet your needs.



UNIVERSITY CERTIFICATES DIPLOMA, DEGREES

NEW SOUTH WALES

Southern Cross University
Bachelor of Social Science with Counselling and Mediation Studies Major
Bachelor of Legal Studies

University of Western Sydney
Graduate Certificate in Commercial Dispute Resolution

University Of Technology
Faculty of Law, Post Graduate Studies
Graduate Certificate in Dispute Resolution
Master of Dispute Resolution

Macquarie University
Graduate School of Management
Post Graduate Diploma in Conflict Management
Macquarie University School of Law also offers various courses

Charles Sturt University
Graduate Certificate in Dispute Resolution (by Distance Education)
<http://www.csu.edu.au>

SOUTH AUSTRALIA

University of South Australia
Division of Education, Arts and Social Sciences
Graduate Certificate in Mediation (Family)
Graduate Diploma in Conflict Management
Master of Conflict Management

VICTORIA

La Trobe University
School of Law and Legal Studies
Graduate Diploma in Family Law Mediation
Graduate Diploma in Conflict Resolution
Graduate Certificate in Conflict Resolution

QUEENSLAND

The University of Queensland
(T C Beirne School of Law)
Graduate Certificate in Applied Law

email: t.booth@mailbox.uq.edu.au

[www.http://www.uq.edu.au/law/](http://www.uq.edu.au/law/)

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Deadline for Articles for Next Issue of Mediation News

The deadline for articles for the next issue of *Mediation News* is 31 July 2001.
Please send articles, letters, news items, book reviews (preferably on disk), to:
Mediation News, C/- Marilyn Scott,
Email: m.scott@law.uts.edu.au

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